



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Phillips, et al.
Serial No. : 09/779,659
Filed : February 9, 2001
Title : THEME CALENDAR

Art Unit : 3722
Examiner : Willmon Fridie, Jr.

Commissioner for Patents
Washington, D.C. 20231

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OFFICE OF PETITIONS

RENEWED PETITION UNDER 37 CFR 1.137

In response to the Decision on Petition mailed November 25, 2002, applicants' undersigned representative submits this Renewed Petition Under 37 CFR 1.137 to revive this application, which unavoidably went abandoned on May 9, 2001.

The Decision dismissed the original request filed September 11, 2002, based on the assertion that applicant's undersigned representative failed to attest to the fact that "a search of the file jacket and docket records indicated that the Notice to File Corrected Application Papers was not received." Decision at page 2. Accordingly, the undersigned hereby attests and declares that a search of the file jacket and docket records indicated that the Notice to File Corrected Application Papers was not received at the correspondence address of record. Further facts in support of this assertion follow.

1. The Notice to File Corrected Application papers purportedly was filed March 8, 2001. At that time, the correspondence address of record was 3420 North 21st Avenue, Arlington, Virginia 22207, a private residence owned and occupied by the undersigned.

2. The undersigned continued to own and legally reside at the 3420 North 21st Avenue address until May 18, 2001, nearly two months after the Notice to File Corrected Application allegedly was mailed. In addition, the undersigned took appropriate steps to ensure

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

January 27, 2003

Date of Deposit

Nancy Grant

Signature

Nancy Grant

Typed or Printed Name of Person Signing Certificate

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that all mail received after this date was forwarded to the undersigned's new private residence address in California.

3. A Change of Address was filed for this application on April 25, 2001, to change the correspondence address to the current correspondence address:

Fish & Richardson P.C.
4350 La Jolla Village Drive, Suite 500
San Diego, CA 92122

4. At no time were the Notice to File Corrected Application or the Notice of Abandonment received by the undersigned in the U.S. Mail. To the contrary, the undersigned first became aware of the abandonment upon filing a Status Inquiry on May 15, 2002, and following up the Inquiry with a telephone call to the USPTO.

5. The undersigned first became aware of the abandonment on September 5, 2002. The original petition to withdrawal abandonment was filed a mere six days later on September 11, 2002.

6. The required reply was duly filed on the same date at the original petition – September 11, 2002.

In view of the foregoing, the undersigned submits that the entire period of delay was unavoidable. Revival of this application is respectfully requested.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 1/27/03


John C. Phillips
Reg. No. 35,322

PTO Customer No. 20985 

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